

and Sunday School, Mettapoisset; Methodist Episcopal Church, Wellfleet; Union Church, Truro; Epworth League and Methodist Episcopal Church, Cotuit; Methodist Episcopal Church and Sunday School, East Wareham; Central Square Church Sunday School, Bridgewater; Memorial Church Sunday School, Methodist Episcopal Church and Sunday School, Plymouth; Baptist Church and Sunday School, Barnstable; Christian Endeavor, Barnstable; Immanuel Baptist Church, New Bedford; Methodist Episcopal Church and Sunday School, Fairhaven; Christian Endeavor, Congregational Sunday School and Church, Middleboro; Methodist Episcopal Church Sunday School, East Falmouth; Universalist Sunday School and Methodist Church, Orleans; Baptist and Methodist Episcopal Churches, Sunday Schools, and Epworth League, Nantucket; Baptist Churches, West Tisbury and Vineyard Haven; Congregational Church, Methodist Episcopal Sunday School, Falmouth; Methodist Episcopal Church and Universalist Sunday School, Eastham, all of Massachusetts; to the Committee on Rules.

By Mr. TREADWAY: Petition of citizens of the State of Massachusetts, favoring national prohibition; to the Committee on Rules.

By Mr. TUTTLE: Petitions of citizens and churches of Elizabeth, Springfield, Rahway, Rockaway, Westfield, Roselle, Dover, New Providence, Roselle Park, and Summit, all in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Petition of the Philadelphia branch of the National German-American Alliance, asking that Congress pass the necessary law forthwith that will enable the President of the United States to lay an embargo upon all contraband of war, saving and excepting foodstuffs alone, and thereby withdraw from the contending powers all aid and assistance of this Republic; to the Committee on Ways and Means.

By Mr. WEAVER: Memorial of temperance people of Arapahoe and 160 citizens of Crescent, Okla., favoring national prohibition; to the Committee on Rules.

By Mr. WINSLOW: Petitions of 48 church organizations, total membership of 7,046, of the State of Massachusetts, favoring national prohibition; to the Committee on Rules.

By Mr. YOUNG of North Dakota: Petition of Philadelphia branch of the National German-American Alliance, favoring an embargo on the exportation from this country of contraband of war; to the Committee on Ways and Means.

SENATE.

MONDAY, December 21, 1914.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the truth that Thou hast declared unto men is in itself the covenant that Thou hast made them. We know that our responsibility is alone according to the measure of our ability to know the truth. But Thy truth does not bind; it sets us free.

So far as we follow the truth as Thou dost give us to see the truth, we may be sure of our task, of our happiness, and of our destiny. It is only when we stultify our intellect in refusing to walk in the light that we meet the dark shadow of Thy frown. We are sure of our way not because we can see the end, but because we know that with zeal and fidelity we follow after the truth. Let Thy grace abide with us this day. For Christ's sake. Amen.

JAMES H. BRADY, a Senator from the State of Idaho, appeared in his seat to-day.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

UNITED STATES SENATE, PRESIDENT PRO TEMPORE,
Washington, D. C., December 21, 1914.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. CLAUDE AUGUSTUS SWANSON, a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. SWANSON thereupon took the chair as Presiding Officer and directed that the Journal of the last legislative day be read. The Journal of Saturday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 213) authorizing the

Secretary of the Senate and the Clerk of the House to pay the officers and employees of the Senate and House, including the Capitol police, their respective salaries for the month of December, 1914, on the 22d day of said month.

PETITIONS AND MEMORIALS.

Mr. WHITE. I present a petition from citizens of the city of Attalla, Ala., which I ask may be read and referred to the proper committee.

There being no objection, the petition was read and referred to the Committee on the Judiciary, as follows:

A petition to the Senate of the United States.

We, the undersigned voters, earnestly petition for the passage by the United States Congress of the joint resolution introduced in the House of Representatives December 10, 1913, by Congressman RICHMOND P. HOBSON, and on the same day introduced in the Senate by Senator MORRIS SHEPPARD, providing for the prohibition of the sale, manufacture for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States and all territory subject to the jurisdiction thereof.

C. R. SHEPHERD
(And others).

Voters of City of Attalla, State of Alabama.

Mr. WHITE. I also present resolutions from the members of the Fifth Avenue Presbyterian Church, in the city of Birmingham, Ala., which I ask to have read and properly referred.

There being no objection, the petition was read and referred to the Committee on the Judiciary, as follows:

Resolutions passed by the board of the Fifth Avenue Presbyterian Church, December 7, 1914.

In view of the fact that it is probable that national prohibition will be voted on in the National House of Representatives and the United States Senate at an early date, be it

Resolved, That the official board of the Fifth Avenue Presbyterian Church, of Birmingham, Ala., heartily indorses national prohibition for the following reasons:

First. We think this the only means to successfully cope with this great evil.

Second. We feel that liquor is by far the greatest enemy of the home and church.

Third. We consider it the greatest enemy of legitimate business of all other lines of commerce. Be it

Further resolved, That these resolutions be inserted in the minutes and a copy be forwarded to each Representative from Alabama in the House and Senate, and that they be urged to support said bill or bills.

W. M. CORBY,
R. L. CASS,
J. L. TYLER,
Committee.

Mr. SHEPPARD presented petitions of the Seventh-day Adventist Church of Takoma Park, D. C.; of the Highland Congregational Club, of Chesterfield, Mass.; of the Ministerial Association of Council Bluffs, Iowa; of International Order of Good Templars, of Mountain, N. Dak.; and of sundry citizens of Jefferson and Galveston, in the State of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Kirwin, Topeka, Hays City, and Ford, all in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PITTMAN. I present a telegram in the nature of a petition from Mrs. E. W. Vendevender, president of the Woman's Christian Temperance Union of Reno, Nev., which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

RENO, NEV., December 13, 1914.

HON. KEY PITTMAN,

United States Senate, Washington, D. C.:

One thousand votes in churches and Sunday schools of Reno for National Constitution prohibition amendment. Please inform Hon. FRANCIS G. NEWLANDS and Hon. E. E. ROBERTS.

Mrs. E. W. VENDEVENDER,
President Reno Woman's Christian Temperance Union.

Mr. BRANDEGEE presented a petition of State Council of Connecticut, Junior Order United American Mechanics, of Stamford, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of the official board of the Center Methodist Episcopal Church, and members of the Center Methodist Episcopal Church Sunday School; of Dristigheten Lodge, No. 11, International Order of Good Templars, Middletown; Svea Lodge, No. 52, International Order of Good Templars, of Branford; of Enighet Lodge, No. 42, International Order of Good Templars, of Manchester; of sundry citizens of Branford; of sundry citizens of Manchester; of Norden Lodge, No. 37, International Order of Good Templars, of New Britain; of the congregation of Union Plainfield Baptist Church, of Moosup; of sundry citizens of West Haven; of the congregation of First Methodist Episcopal Church of West Haven; of mem-

bers of the Methodist Episcopal Church of Gales Ferry; of sundry citizens of Shelton; of members of the Methodist Episcopal Church of Niantic; of members of the Methodist Episcopal Church of Willimantic; of the Methodist Episcopal Church of Lyme; and of the Connecticut Baptist Convention, held at Hartford, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of Snowflake Lodge, International Order of Good Templars, of Mattawamkeag, Me., and of a petition of Maine Conference Itinerant's Institute of the Methodist Episcopal Church of Rumford, Me., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Eugene S. Barnes, of Claremont, N. H., praying that a reduction be made in the appropriations for purposes of war, which was referred to the Committee on Military Affairs.

He also presented a petition of Sandwich Association of Free Baptist Churches, of Meredith, N. H., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented petitions of sundry citizens of Woodstown, N. J., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a telegram in the nature of a memorial from sundry citizens of Norway, Mich., and a memorial of the Federation of Labor of Detroit, Mich., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of the Woman's Christian Temperance Union of Minneapolis, Minn., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. WARREN. I present a telegram in the nature of a petition from P. A. Shope, business agent of the Wyoming State Grange, Patrons of Husbandry, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

[Telegram.]

WHEATLAND, WYO., December 15, 1914.

HON. FRANCIS E. WARREN,
United States Senate, Washington, D. C.:

The Wyoming State Grange, representing 21 subordinate and 2 Pomona granges, with 495 members, in annual session assembled here unanimously adopted resolution favoring national constitutional prohibition and respectfully asking your support for the Hobson-Sheppard joint resolution now before Congress.

P. A. SHOPE,
Business Agent Wyoming State Grange.

Mr. WARREN presented a petition of sundry citizens of Burns, Wyo., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Ohio Labor Home Rule Association, remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

NATIONAL DEFENSE.

Mr. SHERMAN. I present a petition from the University of Illinois, relating to national defense. I ask to have it printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

[The University of Illinois Special Press Bulletin, December 21, 1914.]

OPEN LETTER TO THE PRESIDENT OF THE UNITED STATES BY EDMUND J. JAMES, PRESIDENT OF THE UNIVERSITY OF ILLINOIS, ON OUR NATIONAL DEFENSE.

SIR: The views expressed by you in your recent message to Congress concerning the ultimate reliance of the American people for a satisfactory scheme of national defense must command the support of all thoughtful Americans. Neither the system of universal military service, however many and substantial may be its advantages, nor that of a large standing army will ever be adopted by this country unless it should be really in continuous danger of invasion by foreign enemies or of destruction by domestic conflict. Neither of these possibilities is likely to be imminent in our day and generation.

We must, then, as you suggest, rely for our national defense upon a citizen soldiery. In such a scheme, however, one of the most serious difficulties is that of obtaining and maintaining a sufficient number of properly trained officers to man the regiments of the militia or National Guard. England is experiencing this difficulty at the present time in a most acute way—we also in the development of our National Guard.

I desire to call your attention to the simplest and most economic method of creating an adequate corps of properly trained officers in the United States to-day.

We have at present in each State in the Union at least one public institution supported in part by the State and in part by the Federal Government, in which instruction and drill are required of all or of a considerable proportion of the male students in such institutions. These are: the colleges founded upon the proceeds of the Federal land grant of July 1, 1862.

In Illinois, for example, the State university, which received its first endowment from the Federal Government in the grant above mentioned, requires all the young men in the first and second years of the college course to participate in regular military drill to the extent of three hours per week. The students must provide themselves with uniforms, while the Federal Government supplies the guns and the supervision of the military instruction, and the State authorities furnish the armory and drill grounds.

The cadet force at present consists of a full brigade, made up of two regiments, and, including the military bands, numbers nearly 2,000 men, equal to about three National Guard regiments of the average size.

The War Department details a Regular Army officer to take charge of the work, who gives instruction to the cadet officers himself, these in turn instructing and training the privates. The cadet officers are selected by the military commandant from among those cadets who have distinguished themselves for their work as privates and who have a good standing in their academic courses.

The State of Illinois has just erected an armory which provides a drill hall with uninterrupted floor space of 200 by 400 feet—that is, 80,000 square feet—offering opportunity to carry on effective military drill throughout the year, winter as well as summer. The armory is known locally as the Temple of Peace, and surely a building like this, erected by a peace-loving people, for purely defensive purposes, may properly enough claim this suggestive title.

These university cadets, coming as they do from all parts of the State and country, from all social, industrial, and political classes, rich and poor, agricultural and manufacturing, Democratic and Republican, Progressive and Socialist; belonging to all colleges—agricultural, engineering, liberal arts and sciences—form the very best material for officers in the Militia and National Guard and other divisions of a truly popular Army.

Their college training guarantees a standard of general education fully equal to that of West Point and Annapolis graduates.

By extending the time of this military training from three hours to six hours per week and from two years to four years ample opportunity would be gained to secure a military training which would justify their appointment as brevet second lieutenants in the Federal Army or National Guard and make them the most valuable material for officers wherever they might be and whenever they should be needed.

If the Federal Government were to offer \$250 per year to each cadet who would pledge himself to give this extra time to a study of military tactics and practical drill in military matters for four years, I have no doubt that anywhere from 100 to 250 officers of the second lieutenant grade could be graduated from the University of Illinois every year and corresponding numbers from similar institutions. From 2,000 to 3,000 such officers would be added annually to the immediately available forces of our system of national defense.

I am myself a pacifist of rather an extreme type. I long for the time when international war will cease, but all history gives the lie to the doctrine that a state of military unpreparedness will insure the preservation of peace.

The wars of the French Revolution came upon Europe at a time when no single nation was prepared for war. It was the total unpreparedness of Europe for armed conflict which enabled Napoleon to overrun the Continent. The state of almost idiotic unpreparedness of the United States for the War of 1812 did not prevent us from going into the war, and led, naturally, to an almost continuous series of defeats on land until after the treaty of peace had been signed.

Certainly our unpreparedness for war did not prevent us from seizing half the Territory of Mexico in the forties.

The great Crimean War, in which, it must not be forgotten, nearly as large a proportion of the civilized world was involved as in the present war; the French-Austrian War, in 1859, and, above all, our own Civil War, from 1861 to 1865, are good illustrations of how quickly nations go into great wars on occasions without any real preparation and disposes absolutely of the contention that lack of preparation for war insures peace.

This proposition is further supported by the fact that unpreparedness for war did not prevent the Japanese-Chinese War, nor the English-Boer War, nor the Spanish-American War, nor the Russian-Japanese War, nor the Italian-Turkish War, nor the Balkan War, all of which wars, some of them of very great importance, have occurred within the last 20 years.

If preparedness for war does not guarantee peace, as we have plainly seen in the present great war in Europe, neither does unpreparedness; but the general knowledge that a great and powerful nation is ready to give a good account of itself in case it is attacked will go far to prevent such attacks. If overpreparedness for war, like that of Germany, for instance, may easily lead to wars of aggression, distinct unpreparedness on the part of a wealthy nation offering great opportunities for loot, like that of China, for example, easily provokes invasion. The only safe course for us is to establish and maintain a reasonable military force sufficient for effective national defense.

Let us by all means, then, develop the citizen soldiery, and let us take the first step toward creating a sufficient force of this sort by organizing and developing a sufficient and adequately trained corps of officers through the utilization of the great national State schools now in existence.

THE JUDICIAL CODE.

Mr. CHILTON. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 19076) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and I submit a report (No. 847) thereon.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. CHILTON. I ask that the report accompanying the bill may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report is as follows:

[Senate Report No. 847, Sixty-third Congress, third session.]

AMENDMENTS TO THE JUDICIAL CODE.

Mr. CHILTON, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to whom was referred the bill (H. R. 19076) to amend an act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911, having considered the same, beg leave to report it back without amendment and to recommend that it do pass.

[House Report No. 1182, Sixty-third Congress, second session.]

SECTION 1.

The first section of this bill amends section 116 of the judiciary act of 1911 by adding Porto Rico to the first circuit. Porto Rico has not heretofore been attached to any circuit, and in that respect differs from Hawaii, which has long been attached to the ninth circuit. There is, it is submitted, absolutely no reason for that difference. Porto Rico is attached to the first circuit, because there is less business pending there than in any other circuit court of appeals, and because there are established lines of communication between Porto Rico and our North Atlantic seaports.

SECTION 2.

The second section of this bill amends sections 128, 238, and 246 of the Judicial Code.

The changes made in section 128 are:

1. The words "and the United States District Court of Porto Rico" are added, thus conferring upon the circuit court of appeals for the first circuit the same jurisdiction with respect to Porto Rico that the circuit court of appeals for the ninth circuit now possesses with respect to Hawaii.

2. The words "under the trade-mark laws" are added, thus conferring the same jurisdiction with respect to trade-marks as now exists with respect to patents and copyrights. The Supreme Court has held, in the very recent case of *Street v. Smith* (231 U. S.), that the judgments and decrees of the circuit courts of appeal are final in cases arising under the trade-mark act of 1905, and the addition of the above words is intended to include also cases arising under prior trade-mark legislation. There can, of course, be no good reason why all trade-mark cases should not be governed by exactly the same rules and procedure as patents, copyrights, and trade-mark cases arising under the act of 1905.

The only change made in section 238 is the words "and the United States District Court of Porto Rico" are added, thus conforming the position of Porto Rico to that now occupied by Hawaii.

The changes in section 246 are:

1. The words "and of the Supreme Court of Porto Rico" are added, thus applying the provisions of this section to Porto Rico the same as they now apply to Hawaii.

2. Relieving the Supreme Court of the United States from the necessity of reviewing such cases from the Supreme Courts of Porto Rico and Hawaii as involve no Federal question but depend entirely upon the local or general law. Under the law as it now stands the decisions of the Supreme Courts of Porto Rico and Hawaii are reviewable by the Supreme Court of the United States not only when some Federal right is in controversy but also in all cases which involve more than \$5,000 without respect to the character of the questions involved. This section as amended includes Porto Rico with Hawaii and continues the existing right to review in the Supreme Court when Federal rights are in controversy but leaves all other cases to be dealt with upon a petition for a writ of certiorari, as is now the law with respect to most of the cases in the circuit court of appeals.

SECTION 3.

Section 3 of this bill repeals section 244 of the judiciary act of 1911. That repeal is made necessary and proper because all of the cases provided for in it are taken care of by the preceding amendments.

SECTION 4.

Section 4 makes the decision of the circuit court of appeals final in bankruptcy proceedings and cases; but still leaves the Supreme Court with the power to review, through certiorari, such proceedings and cases as it may deem necessary and proper. The bankruptcy law has now been so thoroughly construed that there is not much doubt about any of its provisions, and cases now coming to the Supreme Court under it involve complicated questions of fact rather than of law. Besides all of this, many of these matters now have four hearings—one before the referee, one in the district court, one in the circuit court of appeals, and one in the Supreme Court. Certainly all litigants ought to be satisfied with a hearing before the referee, a trial in the district court, an appeal to the circuit court of appeals, with a right to review in the Supreme Court of the United States by a writ of certiorari upon a sufficient showing.

SECTION 5.

Section 5 denies railroad corporations the right to resort to Federal courts merely upon the ground that they hold a charter from the Federal Government. It is believed that the Texas Pacific is now the only railroad in this country which will be affected by this provision, and it is difficult to perceive any good reason why that road should be allowed to carry those who sue it into the Federal courts when its defense does not involve the construction of any law or treaty, or the Constitution of the United States, but depends solely on the naked assertion that it was incorporated under a Federal law.

POSTPONEMENT OF SALE OF FUR SKINS.

Mr. THORNTON. On behalf of the Committee on Fisheries I report back favorably without amendment the joint resolution (S. J. Res. 214) authorizing the Secretary of Commerce to postpone the sale of certain sealskins. I ask that it be read, and then I will ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The joint resolution was read, as follows:

That the Secretary of Commerce be, and he hereby is, authorized to postpone the sale of all skins now in possession of the Government, taken from seals killed on the Pribilof Islands for food purposes, under section 11 of the act of August 24, 1912, until such time as in his

discretion he shall deem advisable, and the proceeds of such sale shall be covered into the Treasury of the United States.

Mr. THORNTON. I ask unanimous consent for the present consideration of the joint resolution for the reason which I shall state. As Senators are aware, in 1912 a law was enacted forbidding the further killing of the Government seals on the Pribilof Islands for five years, with the exception of certain old males and some that were needed to be killed for food for the islanders. At the same time provision was made so that the skins of such animals should be sold at public auction by the Government and the proceeds placed to the credit of the United States in the Treasury.

Last year was the first sale that was made under the law, and it was made at St. Louis. Theretofore sales had been made in London. At the sale in St. Louis there was very keen competition. Foreign buyers from all over Europe attended the sale and also our domestic buyers. The result was that the sale brought 5 per cent more than the sale did in London the previous year.

By the law the sale is required to take place annually, and without an authorization of Congress to that effect the Secretary of Commerce will be required to sell the skins again this year. The Assistant Secretary of Commerce has just visited St. Louis, and he found that no foreign buyers whatever are coming there on account of the complications arising from the European war. Consequently there would be no competition and there would be a greatly reduced price in the sale. For that reason the Secretary of Commerce asked that this joint resolution be introduced authorizing him to postpone the sale in his discretion until the exigencies of the situation are over. It is in the interest of the revenue of the Government.

Mr. HITCHCOCK. I should like to ask what number of skins are now held under the order of the Secretary of Commerce.

Mr. THORNTON. A little under 4,000. Last year, the first year under the law, it was between 2,000 and 3,000. This year it is between 3,000 and 4,000. Last year the sales brought to the Government about \$54,000. This year, on the same basis, allowing for competition, they would amount to between \$90,000 and \$100,000.

Mr. HITCHCOCK. How does it occur that under the restrictive legislation which we passed as many as 4,000 skins have been secured?

Mr. THORNTON. Because it was necessary to increase the killing this year on account of providing food for the islanders. I think I will request that in this connection, for the information of the Senate, the letter of the Assistant Secretary of Commerce be read. It gives more information than I have given.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, December 18, 1914.

MY DEAR SENATOR: Confirming my conversation with you this morning with reference to a joint resolution authorizing the postponement of the sale of the sealskins which have been brought down from the Pribilof Islands and which are now in the possession of the Government, until such time as the Secretary of Commerce shall deem advisable, permit me to remind you that the law on this subject requires the sale of these sealskins annually, and this department is advised by its solicitor that in the absence of legislative authority for postponement the sale must take place during the present fiscal year.

The number of the sealskins now in possession of the Government is 3,284. It is the custom of the trade to sell such skins at auction, and this has been the invariable practice of the Government. The first sale of Pribilof Island sealskins in the United States was held at St. Louis, Mo., on December 16, 1913. A large number of foreign buyers were present on that occasion, and their bidding had much to do with the satisfactory prices obtained. Most of such foreign buyers were from European countries now at war. It is quite certain that if such sale were to be held at the present time or in the near future very few, if any, foreign buyers would be present, and competition would be reduced to such an extent as to materially affect the prices that would be obtained. This department is advised that the skins can be retained without risk of deterioration and with very little expense. It is impossible at this time to decide when the interests of the Government will require the sale to be held, and for that reason it is deemed advisable to authorize the Secretary of Commerce to use his discretion in fixing the date.

The number of skins sold last year was 1,896, and they brought \$54,579, the average price being about 5 per cent higher than was paid for similar skins at the London sales a short time before. It was found last year that the number of seals authorized to be killed for food for the natives was insufficient and consequently the number was increased this year.

As this is purely a business matter the department strongly recommends the adoption of the joint resolution proposed.

Respectfully, yours,

E. F. SWEET,
Assistant Secretary.

Hon. J. R. THORNTON,
United States Senate, Washington, D. C.

Mr. HITCHCOCK. I have no doubt that the joint resolution is a proper measure, but I was surprised to find that so large a

number as 4,000 seals had been killed for food purposes. I had something to do with securing the passage of the restrictive legislation. A provision was inserted allowing the killing of such seals as were necessary for food purposes, but I had no conception that as many as 4,000, or even 3,000, would be required for that purpose. I should like to ask the Senator from Louisiana if he can inform the Senate what number of natives there are on the islands dependent in whole or in part upon the seals for food?

Mr. THORNTON. I am not able to answer that question. The only information I have on the subject is that the increased number of seals that were killed was due to the fact that it was found that an increased number was necessary to supply the natives with food. The Senator will remember, as he was instrumental in having the bill passed, the present number was called for for the reasons given in the debate in 1912, and in addition to that a certain number of males were to be selected—enough to give the food necessary to the natives. I see that I was mistaken in saying that there were about 4,000 killed. The number was a little under 2,000. I do not know the number of natives. All I know is the statement that this number is necessary in order to feed the natives, and the increased number killed is due to that fact.

Mr. HITCHCOCK. I think there is no objection to the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Georgia:

A bill (S. 7015) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. BRISTOW:

A bill (S. 7016) granting a pension to John P. Todd (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 7017) granting a pension to Beulah C. Hicks; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 7018) granting a pension to John McAteer (with accompanying papers);

A bill (S. 7019) granting a pension to Bessie M. Cogley (with accompanying papers);

A bill (S. 7020) granting an increase of pension to Cinderella B. McClure (with accompanying papers);

A bill (S. 7021) granting a pension to Emma V. K. Keleher (with accompanying papers);

A bill (S. 7022) granting a pension to G. M. Chamberlain (with accompanying papers);

A bill (S. 7023) granting a pension to Eugene F. Clements;

A bill (S. 7024) granting an increase of pension to Anna M. Keffer; and

A bill (S. 7025) granting a pension to Jeremiah Stump; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7026) granting an increase of pension to Thomas H. Rutter;

A bill (S. 7027) granting an increase of pension to Canriss R. H. Richey;

A bill (S. 7028) granting a pension to Ann L. Elliott;

A bill (S. 7029) granting an increase of pension to Mahala Clemons; and

A bill (S. 7030) granting an increase of pension to Charlotte Randall (with accompanying papers); to the Committee on Pensions.

By Mr. HARDWICK:

A bill (S. 7031) granting an increase of pension to Alice Pollock; to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 7032) granting an increase of pension to Mary R. Kendall; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7033) granting an increase of pension to Augustus P. Horne (with accompanying papers); and

A bill (S. 7034) granting an increase of pension to Ellen C. Gardner (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 7035) granting a pension to Mary E. Weeks (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 7036) granting an increase of pension to Annie R. Jewett; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 7037) granting an increase of pension to Ann Jolly (with accompanying papers);

A bill (S. 7038) granting an increase of pension to Katherine Bird (with accompanying paper); and

A bill (S. 7039) granting a pension to Martha J. Reynolds (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A joint resolution (S. J. Res. 215) to refund under certain conditions, and for the year 1914, a portion of the offers in compromise for failure to make the return required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury; to the Committee on Finance.

OMNIBUS CLAIMS BILL.

Mr. SMITH of Georgia submitted an amendment intended to be proposed by him to the omnibus claims bill (H. R. 8846), which was referred to the Committee on Claims and ordered to be printed.

Mr. HARDWICK submitted an amendment intended to be proposed by him to the omnibus claims bill (H. R. 8846), which was referred to the Committee on Claims and ordered to be printed.

JOE H. NORRIS.

Mr. WARREN submitted an amendment proposing to appropriate \$260.68 to pay Joe H. Norris for salary, etc., while performing the duties of supervisor of Indian schools from October 21, 1912, to November 11, 1912, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20150), which was referred to the Committee on Indian Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS—EDWIN SNYDER.

On motion of Mr. BRISTOW, it was—

Ordered, That the papers accompanying the bill (S. 3692) granting an increase of pension to Edwin Snyder be withdrawn from the files of the Senate, there having been no adverse report thereon.

THE NATIONAL ARCHIVES.

Mr. POINDEXTER. I submit a document entitled "The National Archives," reprinted from the American Historical Review, written by Mr. Waldo Gifford Leland, on a bill which has already passed Congress, for the construction of an archives building. It is a description of the archives of the Government and the condition in which they are to be found. I ask that it be printed as a public document.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. FLETCHER. I did not hear the request.

The PRESIDING OFFICER. The Secretary will state it.

The SECRETARY. Mr. POINDEXTER desires to have printed as a public document the pamphlet entitled "The National Archives," a program by Waldo Gifford Leland, reprinted from the American Historical Review of October, 1912.

Mr. FLETCHER. Mr. President, it seems to me that the document should go to the Committee on Printing. I presume there will be no objection to having it printed, and if it is not very important to act on it at once I should rather have it go to the committee, for I think it ought to take that course.

Mr. POINDEXTER. If the Senator from Florida desires the document to go to the Committee on Printing, I have no objection at all. It contains very valuable and, I think, very essential information in connection with a work which has already been authorized, that of providing for the erection of an archives building for the Government.

Mr. FLETCHER. I think, as a matter of general practice, such matters should go to the Committee on Printing, because there is a rule that requires that all such documents shall not be ordered printed until there is an estimate of the cost, and so forth. I should rather have the document take that course.

Mr. POINDEXTER. I have no objection to that.

The PRESIDING OFFICER. The document will be referred to the Committee on Printing.

REPORT ON MEDIATION AND CONCILIATION (H. DOC. NO. 1423).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which

was read and, with the accompanying paper, referred to the Committee on Interstate Commerce and ordered to be printed:
To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the first annual report of the Commissioner of Mediation and Conciliation on the operations of the United States Board of Mediation and Conciliation for the fiscal year ended June 30, 1914.

WOODROW WILSON.

THE WHITE HOUSE, December 21, 1914.

REGULATION OF IMMIGRATION.

The PRESIDING OFFICER. The morning business is closed. Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of House bill 6060, the unfinished business.

Mr. O'GORMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Overman	Smith, S. C.
Brady	Gronna	Page	Smoot
Brandagee	Hardwick	Penrose	Sterling
Bristow	Hitchcock	Perkins	Sutherland
Burton	Hughes	Pittman	Swanson
Catron	Johnson	Polindexter	Thornton
Chilton	Jones	Pomerene	Townsend
Clapp	Kern	Ransdell	Vardaman
Clark, Wyo.	La Follette	Reed	Walsh
Crawford	Lane	Robinson	White
Culberson	Lee, Md.	Shafroth	Williams
Cummins	Lodge	Sheppard	Works
Dillingham	Myers	Sherman	
Fletcher	O'Gorman	Smith, Ga.	
Gallinger	Oliver	Smith, Md.	

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] by consent of the Senate and to state that he is paired with the senior Senator from New York [Mr. Root].

Mr. TOWNSEND. I wish to announce that the senior Senator from Michigan [Mr. SMITH], who is absent from the city, is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for all votes to-day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY].

Mr. CUMMINS. I desire to announce that my colleague [Mr. KENYON] is absent from the city and is paired with the junior Senator from Kentucky [Mr. CAMDEN].

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] has been called home on account of important business.

Mr. LANE. I wish to announce that my colleague [Mr. CHAMBERLAIN] is unavoidably absent on business of the Senate.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present.

Mr. SMITH of South Carolina. I renew my motion that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina.

Mr. O'GORMAN. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is the one offered by Mr. THOMAS, as modified, proposing to strike out certain words on page 9, lines 6 to 12, and in lieu thereof to insert:

That the following classes of persons, when otherwise qualified for admission under the laws of the United States, shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious, political, or racial persecution, whether such persecution be evidenced by overt acts or by discriminatory laws or regulations.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Colorado as modified.

Mr. SHERMAN. Mr. President, I desire to make some general observations on the literacy test before the matter shall have proceeded further.

This test is one that would exclude a large number of immigrants presenting themselves who now are capable of being admitted under existing laws. It occurs to me that the only justification for this proposed change is the improvement of our own population. I do not care much myself to go into the question of the right of asylum. We may enlarge our borders

here for the purpose of furnishing a more commodious home and a safer and better place for those who come from abroad, but, as I wish to consider the question, it is entirely a question of improving our own population.

The Senator from Mississippi [Mr. WILLIAMS] a day or two ago seemed to take the view that all the ignorant people in the world were the unlettered people. I would have been very glad if I could, on the impulse of the moment, have made whatever comment I desired right on the heels of that statement. It may or may not be correct. I do not think so; I can only sustain myself by giving such views as present themselves to me.

Mr. President, if all the wise men of the world have obtained their wisdom from between the lids of books, then I have lived some years and engaged in business of various kinds to no purpose. I have an idea that the test whether a man is learned or unlearned, literate or illiterate, useful or otherwise, and a desirable or an undesirable person depends very largely on what he is able to do after he gets in here.

I think, Mr. President, this country is surfeited with essayists, with professors of economics, with gentlemen who ride hobbies, with Chautauqua performers, with those who are enamored of theories, who are statesmen on paper and in parlors, but who are totally unable to deal with men and with actual conditions and things as they present themselves in government. The foregoing classification covers a large number of agitators in this country who propose to regenerate mankind by passing resolutions and who on platforms are celebrated mostly for the sensations they create amongst audiences wherein the gate money is the inspiration and the text of the address arranged to draw the sensation-loving populace. Those gentlemen all are clamoring for a test that shall consist of the ability or the inability to read something, whether it be in our tongue or somebody's else tongue. The fitness or unfitness of those immigrants who present themselves is to be decided by an interpreter.

I had an idea, Mr. President, that these useful gentlemen, who have been reforming everything in the country all the way from Oyster Bay to California, would be perfectly competent themselves to interpret everything that needed interpretation. Still we would have to have some seven or eight tongues constantly employed wherever an immigrant proposed to come into our country. Under this bill upon the honesty or dishonesty, upon the fitness or unfitness, the fairness or unfairness, of these interpreters would depend the question of whether proposed immigrants should be admitted or excluded.

If all the people who are unlettered are ignorant, are now to be excluded, then our ancestors, Mr. President, were totally unfit to found an empire. It did not qualify a Revolutionary soldier because he could not read; neither did it make him unfit to be an instrument for good. I do not know how educated my great-grandfather was. I never saw him or heard of him. Many of us have little pride of ancestry in this country, and, for my part, I am reasonably glad of it.

We are a mixed breed; and the difficulty is, Mr. President, if we do not have a little red blood from over the seas, we are going to breed out. What we need to do in this country, as the old ladies say out in the poultry yard, is to swap roosters once in a while. It seems as though the authors of this bill have forgotten that indispensable fact in the poultry yard of human affairs.

The fact that I have no pride of ancestry myself does not lead me to decry the qualifications of those who have. I shall not quarrel with them. I shall offer no invidious criticisms of those gentlemen. All I wish to say is that when they propose that a man shall conform to some literacy test, my idea is that it is too narrow.

I do not know how to put this the most briefly. I do not desire to occupy much space in the CONGRESSIONAL RECORD, because the longer I stay around this body the more I believe that the more space you occupy in the RECORD the less useful you are in human affairs. The Treasury is already burdened enough, without increasing the printing bill. So I do not care, for myself, to do more than make some very general observations.

The body of men that I have the honor to represent in part, together with my esteemed colleague, present a very mixed constituency—not only mixed in belief, but mixed in nationality and blood. God knows that if difference of belief made a mixed constituency we would not have any out in our country, because few there believe any two ways alike. If we had to make a discrimination on account of race, it would only add to the difficulty. I used to have a colony of Arabs among my constituents. I do not think they are naturalized. Probably they are not qualified under the laws of the country to become naturalized. We have some Turks. We have everybody from Europe that is now engaged in trouble, and many of them that are not,

in their home countries. It takes seven languages to run a campaign out there. Some of us have recently emerged from a campaign of that kind. Some did not emerge at all. [Laughter.] But when it comes to a literacy test with seven tongues in a campaign, I have an idea that in this campaign those who could not read the English language voted and behaved about as intelligently as some of those whose ancestors came over in the *Mayflower*, and whose family tree would run back to a hemp string, as one of colleagues on the other side of the Chamber [Mr. REED] said not many days ago.

So, if it comes to a matter of behavior, I would agree with my friends that that ought to be made the test. If it is a matter of having college degrees or having a diploma written in some dead tongue, or being able to read some language that is living, I doubt whether that makes a test that will add to the wisdom, the virtue, or the usefulness of our population.

The difficulty I see on this point, Mr. President, is that when you impose the literacy test it assumes that because a man has some education, because he can read in some tongue—either our own or some other one—that settles the question. If otherwise under this bill or existing laws he is qualified—if he is not an anarchist, if he is not opposed to organized government, if he does not believe in killing those who are in authority or destroying those who represent any reasonable form of government known to civilized man—he is desirable. If the test of literacy is to be further imposed upon the immigrant, it must be with a view of obtaining a fitter kind.

I thought that over a good deal in some leisure moments while I have been listening to the accumulated wisdom of the ages that pours itself in rills and torrents around this body, and I have not yet heard anything, however much I should like to change my views, that caused me to do so. I prefer to vote for this bill without the literacy test. I am inclined to think the literacy test now is more popular, outside of a few large cities in my home State, than the reverse. The easy way would be to flow with the current of this bill.

In the long, hot summer nights, when there is not very much doing around the Loop inside of the habitable part of Chicago, where nobody lives but those who do business by night—the rest of them have gone home—there is a popular place that corresponds to the place designated among the old Greeks for the discussion of public questions. There is a sort of a forum down about Jackson Boulevard on the curbstone. There, on soap boxes or on the curbstones, wherever they can stand conveniently, a number of educated gentlemen from abroad hold forth in the gloaming on public questions. I very often go about for the purpose of listening to what is necessary for the public welfare, and that is the place to find it.

The progenitors of some of these gentlemen, some 20 or more years ago, on the west side of the city of Chicago, carried into effect some of the theories promulgated by the philosophers of the Old World. They killed a number of policemen over at the Haymarket because they were interfering with the alleged right of free speech and the right of public assemblage. Afterwards they were "judicially murdered," in the language of these philosophers; and their experience was entirely sufficient to create a scene of profound peace where before there had been numerous disturbances on the Lake Front. This was an extreme form of the theories promulgated by some of these gentlemen who emigrated from other countries, all of whom could stand the literacy test when they enriched us with their presence. Possibly they left their native countries for their countries' good. I am sure they did not come to our country for our good.

I very often engage in conversation with those gentlemen. They are a type. They did not come here by accident. They came by premeditated design. They were not assisted emigrants, except so far as they were assisted by laws which they had violated and regarded as oppressive in the country from which they emigrated. They have an idea that this country is open enough for free speech to degenerate into advice for disorder and for a free press to degenerate into lawless license; so over they come. They undertake to carry into effect what they consider the rights of lawless license rather than free speech and of a free press. That it results in disorder is only a natural consequence; it is what they intend. They are not talking for the mere purpose of being heard. They are talking for the purpose of inciting somebody to action. Usually, when they are let alone for a long time, they succeed. When they incite somebody to action it usually results in a public disturbance.

There is not a solitary one of those men, not a lecturer on the curbstone, not a soap-box orator, not a solitary one of these essayists and political philosophers and dealers in dreams that could not stand any literacy test ever invented. Why, some of them bear degrees from ancient universities. Still I do not

regard them as desirable citizens. I do not charge their perversion to their education. I only say their degrees emphasize their uselessness.

If I had my choice about it, before I ever sent anybody under my charge to a university I would go to the faculty of the university and find out what kind of a professor of economics the child was likely to be placed under in that institution. Mr. President, there is more ineffable rot being taught in some of the universities to-day than there is in all the ignorant slums of a European capital. It takes a sane man half a lifetime of human experience to recover from some of it. Whenever I find some parlor socialist, somebody who has inherited a few millions from an ancestor that amounted to something in his lifetime, who is going out to overturn society and to destroy the existing order of things, three times out of four in a metropolis you will find somebody carrying the degrees of an ancient university, whose intellectual processes have gone wrong, taught by somebody in the privacy of a professor's cloister, taught by somebody who has gone mad on book learning, who thinks the whole course of empire is embraced between the covers of a book; some graduate of that kind, who has no more place or part in the practical human affairs of life than the veriest ignorant immigrant that ever got through the gates into our country and raised a peck of potatoes or a bushel of corn.

These men talk glibly about the laws of production; and of all the shameless rot under the guise of learning, of all the insuperable obstacles that have darkened the face of accurate knowledge, these gentlemen have produced the worst. So, when it comes to mere knowledge and mere ability to stand a literacy test I find a great many of those who have been natives here ever since I can remember, whom, in spite of their ability to pass a literacy test, I think I would vote to deport, although they were born here, if such a thing were constitutional. I would send them to Dry Tortugas, colonize them in the Philippine Islands or, if the punishment were within constitutional limits as not being cruel or unusual, I would banish them to Oyster Bay. [Laughter.]

The literacy test proposes to exclude, in the first instance, all those who are unable to read. This introduces a new test, Mr. President, not heretofore recognized in the census returns. In the census of 1910 an illiterate person is defined to be one who can not write. That is the test that the census enumerators follow. There is an inconsiderable number who can read but can not write; but they are so small, compared with our total population of illiterates, as not to be made the subject of a separate classification. The illiterate person as defined in this bill is one who can not read. It is assumed in most cases, I suppose, that the person who can not read can not write, and so answers either definition.

When I figure on our population from abroad and consider that it shall be excluded if it be illiterate or can not answer the test of being able to read, I am disposed to look at the matter not in a very altruistic sense. I do not know that I am opposed to foreign missions, but I generally prefer to take care of the heathen about home first, and there are always plenty of them. So I think probably the better way would be to take not the altruistic view that we are going to furnish an asylum for everybody that wants to emigrate from the land of his nativity, but that we are going to take care of our own people and improve our population that is coming in from abroad, as well as furnish a sufficient incentive and standard for the people of our own country.

Taking the latter view of it, waiving any further remarks on a number of distinguished professors in the country who are bent upon having a pure democracy or a higher grade of intelligence to manage the affairs of the country, leaving them for some subsequent occasion, I shall address myself principally to the improvement of our own population. I want to remark parenthetically that my philanthropy usually begins and ends at home. That of these professors begins away from home and never arrives any place else.

I cite as authority for some conclusions I will draw statements that I have found in the census of 1910. Something it seems to me has been overlooked in the literacy test. Once or twice it has been touched slightly in the reasons presented here.

Along in our experience in 1910 we got our classifications made between native-born whites of American parentage and the native-born whites of foreign or mixed parentage. That is a fairly good test. If a person coming here from abroad was really illiterate and remained not only himself illiterate but his posterity took it from him as an inheritance, I would think he ought to be excluded. I do not find it so.

The figures gathered by the United States Census Department have given us a total of 37,000,000 native-born whites. Those are of American origin. They have given us some 14,000,

native whites born of foreign parents. I have gone to the offspring of those who are alien born—those who have come here under various conditions, literate or illiterate themselves—to find what proportion of their children are illiterate. I have searched, too, to find what proportion of the native-born alien whites of American parentage are illiterate.

It may not be very popular to draw these conclusions, but I am utterly indifferent on the matter of vote getting. Finally it will win because it is right. The longer I stay here, the more I make up my mind there is a good deal said here in this Chamber on a question which comes before us like this, and others, with a possible view of the effect it will have on the constituents of the various Members who inhabit this Chamber. I suppose the wise thing would be to take a native view of it and to stick by the American born. I assume that the American born is just as good as anybody else if he behaves himself as well as anybody else. Some of them do and some of them, which is a matter of regret, I say, do not.

The same test can apply very properly to the immigrant who is coming in. If it be a question of character, I can understand it. I wish, however, to put in the Record, in order that it may be preserved for future purposes, before I leave it, the figures I have taken from the census.

In the census of 1910 the total illiterates in the United States were 5,516,000, in round numbers. The whites of American birth and parentage were 37,000,000. Of these whites of American birth and of American parentage 1,378,884 were illiterate. Of the whites American born of foreign or mixed parentage there were 155,388 illiterate in that time. The whites of American birth and American parentage constituted 3.7 per cent of the total illiterates of the country. The whites of American birth and foreign or mixed parentage constituted 1.1 per cent of the total illiteracy of the country. The white foreign-born immigrants, of 10 years of age or over, were 1,650,361, or 12.7 per cent total of the illiterates.

I wish to draw some conclusions from these figures. The first is that the white natives of American parentage who are illiterate furnish 25 per cent of the total illiteracy of the country, while the whites who are native born of foreign or mixed parentage furnish but 2.8 per cent of the total of illiteracy of the country.

The foreign immigrant, an adult, who has reached our shores, it is true, furnishes 12.7 per cent of our illiteracy. That is on the idea which has been pretty definitely established that the man abroad is not ignorant because of choice. He is ignorant because of the lack of opportunity.

Something has been said of the Jew. We have a great many of them in three or four States, especially in the State of New York and the State of Illinois. The city of New York and the city of Chicago have a very large Jewish population. We can pass over all historic references to the Jew, our likes and dislikes that might or might not exist because of his historic troubles, and take the Hebrew as we find him. He is industrious. He pays his debts, as large a per cent of them as the Americans. Few of them are found in the poorhouse. Few of them are found who are not self-supporting. Their charities are collected and administered by their own people.

As a racial question the Jew ought to be admitted; on the ground of religious persecution the Jew ought to be admitted. On the question of political persecution nobody can cast that horoscope for the future. Nobody can tell much about the result of the war in the Old World. When it is done, however, Mr. President, there will be a rearrangement of the map of Europe. There will be some armaments destroyed; some navies in the bottom of the sea; new racial questions and new questions of political persecution will necessarily, unless a very great tolerance be shown in the settlement of the question, again ensue.

I rather favor here enlarging this amendment. Instead of striking out the literacy test I would enlarge the bill, if I had my views to control, so that all racial, political, and religious persecutions might be a sufficient cause, if the immigrant were otherwise qualified, for admittance.

This country was founded on religious persecution, a large part of it. The New Englanders came here on that ground. I think it would be rather a narrow test and would be out of keeping with our historic origin if we undertook to lay down a test now that would exclude those who might themselves be fleeing from either religious or political persecution in the very near future.

We can not undertake to solve the questions of the Old World. I do not think our treaties even can do that. That will be settled by the people of the Old World who are the most immediately concerned.

I think, for my part, this test laid down in the proposed qualification of the immigrant to read will let in more of those who are dangerous than it excludes.

The conclusions I wish to draw from these figures are that whatever the character of the adult immigrant who has come here in the last 10 years it is evident that his children have used the advantages better than we. The native-born child of foreign-born parents shows a lower per cent of illiteracy than the child of the native-born American. The reason that I can see for this is that those of foreign-born parents who are here use their advantages better because they appreciate them.

I have had a considerable experience in a professional way among the nationalities. I would just as lief undertake to collect a claim against a Scotchman, or a German, or a Scandinavian, or a Hebrew, or a Bohemian, or an Italian, or a Lithuanian, or a Pole, or an Austrian as I would against any Yankee who is a little slow in pay that I ever saw in my life. They bring with them from the Old World, those who are not spoiled in the making, a better inborn propensity to pay their debts and to abide by the laws of the country than some of our own people. When they come here, if they are illiterate themselves when admitted, the alien adult knows the difficulty under which he labored in the Old World that made him illiterate. He knows why it is that in his early childhood he was unable to acquire the test proposed in this bill. Knowing that, as soon as his family reaches the school age he is more diligent in seeing that the family gets into the public school and stays there and takes the discipline and instruction given in that school than the American to whom school privileges as far back as he and his immediate ancestors can remember has been as common as the air and as free as the water that flows past him in his native river. The very fact that it has been so free and so common to him has led him to neglect the opportunities presented by his birthright. And so it works out in a perfectly natural way.

The census tabulations show that the native-born American white above the age of 10 years furnishes 3.7 per cent of our illiteracy, while the native-born American of foreign or mixed parentage furnishes 1.1 per cent. The figures themselves are much more illuminating, because of the 5,516,000 illiterates total in the United States in 1910, 25 per cent of them were furnished by children native born, of American parentage, and 2.8 per cent of them were furnished by the children American born of foreign or mixed parentage.

This high average of illiteracy among the children born of American parents and relatively low average of the children born of foreign or mixed parentage shows that the activity, the zeal, and the appreciation of the opportunities given in this country are to a more marked degree found in those of foreign parentage than in those of American parentage who have become blasé and careless.

If I go into the schoolroom where these nationalities are found, whether from the Scandinavian Peninsula or from southern Europe, and from the latter place comes a large part of the criticism, and read the reports in the city of New York or Chicago, I find the same story written in the daily conduct of those who are of foreign or mixed parentage. The general course of observation is that those of foreign or mixed parentage show a diligence and appreciation and an effort that is greater even than that of the American born.

The same story is written in the census returns from the several States. For instance, in the State of Kansas the illiterates of all classes are 2.2 per cent of her population. The illiterates of those born of native white parents are eight-tenths of 1 per cent; born of mixed or foreign parentage, eight-tenths of 1 per cent. Nebraska, with an illiteracy of all classes of 1.9 per cent, the native-born children of American parentage furnish six-tenths of 1 per cent and of foreign parentage five-tenths of 1 per cent. North Dakota, with a total of 3.1 per cent of all classes in illiteracy, the native born are three-tenths of 1 per cent, and those of foreign birth seven-tenths of 1 per cent. South Dakota, with a total illiteracy of 2.9 per cent, the illiteracy of children of American parentage is three-tenths of 1 per cent, and of foreign parentage four-tenths of 1 per cent.

The excess of percentage in these last two States can very probably be explained, because a very large percentage of the settlers of the Northwest are of alien birth, likely exceeding those of native birth.

Minnesota, with a total illiteracy of 3 per cent, that of children of native parentage is four-tenths of 1 per cent, and of foreign or mixed parentage six-tenths of 1 per cent.

New York shows a total illiteracy of 5.5 per cent, and of children of native white or American parentage of eight-tenths of 1 per cent; of foreign or mixed parentage of seven-tenths of 1 per cent.

If I go to Alabama, I find 22.9 per cent of illiteracy, with an American parentage of native population of 10.1 per cent, as against 2.3 per cent of those born of foreign or mixed parentage.

Louisiana, with a total of 29 per cent illiteracy, has a total of 15 per cent born of American parentage, and 3.6 per cent of foreign parentage.

Arizona, with an illiteracy of 20.9 per cent, has 2.3 per cent of native or American parentage, native born, and 8.4 per cent of foreign parentage.

With the State of Georgia with 20.7 per cent of illiteracy, there is 8 per cent native of American parents and 1.6 born of foreign parents.

These figures indicate that if we are to improve the population the literacy test does not furnish the adequate means of doing so. The literacy test of itself is too narrow. It proposes to totally exclude those who can not meet its requirements. Whatever his qualifications in other respects may be, whatever his character may be, however industrious, however productive, whatever ability he may have, it is all to end because he does not possess the requisite scholastic attainments. The mere fact that the opportunity may be denied him in the country of his origin cuts no figure when he presents himself for admission under the provisions of this bill because of the narrowness of this test.

Because to me it furnishes an unjust reason for denying the right of admission into this country, I shall very cheerfully, Mr. President, vote to strike this section out of the bill. If it remains in other particulars as it is, I can certainly vote for it, and I shall be glad to support it because the purposes of the bill in the main are commendable.

Some restrictions ought to be provided. The existing law might be conceded to be inadequate for the purposes intended. Some such amendments of that law as proposed in this bill ought to be had. The inability to meet the literacy test of itself, though, furnishes no adequate reason why a man ought to be excluded. I can not for my part see wherein it improves our population, leaving outside entirely the question of discussing the right of asylum in this country, on the ground alone of improving our population, enabling us to people our country with those whom we admit of a desirable kind.

The literacy test of itself does not exclude any of the undesirables, nor does it permit any of the desirables to come in who would not otherwise be admitted if this test were out of the bill. The mere fact that the literacy test can be met when the person applies to be admitted does not decide his character. The criticism made of the character test that I have heard a great many times is that it is impracticable; that it can not be applied. If we can stamp upon each article of merchandise brought from abroad the country of its origin, appraise its value, pass it through the customhouse, charge the responsibility on our consuls and foreign officers abroad of seeing that the proper appraisements are made, that invoices are prepared, and no fraud committed—if this can extend to the smallest article of merchandise before it is turned loose in our markets, it seems to me that the care of this Government could be so exercised through its officers abroad that a human being might himself be inventoried and appraised and his true value, based upon his character abroad, where he is known, be stamped upon him in some indubitable way, so that when he presents himself for admission the character test, outside of the literacy test, which is the one proposed in this bill, might be the broader or better test that would admit or exclude him.

Mr. LODGE. Mr. President, I do not desire to discuss this very important amendment at this time. The amendment as proposed practically destroys the illiteracy test, and we might as well take the question on a separate vote to strike it out altogether as to do it in this indirect way. I am not going to argue it, but I want to suggest to the chairman of the committee that the question of the illiteracy test and the question of the passage of the bill are two very important questions. No one can question the great importance of this legislation. The Senate is thin; many Senators have already left town; the Senate will not be more crowded to-morrow, I think I may say; and it seems to me that a matter of such importance as this might well be put over, if that can be done without the bill losing the place which it now has as the unfinished business.

I know the Senator from Vermont [Mr. DILLINGHAM] desires to discuss this matter at some length and the chairman of the committee, I assume, will do the same. It is hardly fair for us to have this discussion with such a very thin Senate as we have to-day, and my purpose in rising is to ask the chairman of the committee if he will not be willing to have the immigration bill temporarily laid aside and allow us to proceed to the consideration of the unobjected cases on the calendar? I

am afraid we should have some difficulty in getting a quorum this evening, and it is very desirable to clear off the unobjected bills from the calendar. So long as we take up only unobjected bills by unanimous consent that will not displace the unfinished business, of course, it being temporarily laid aside. I venture to offer that suggestion to the chairman of the committee to see if such an arrangement can not be made.

Mr. LEWIS. Mr. President, with the Senator's consent, in order that the chairman of the committee may appreciate the real force of the suggestion made by the Senator from Massachusetts along the line that there is much discussion yet to be had on the bill, I desire to inform the able chairman that I have prepared an amendment, which I expected to submit this morning, striking out the whole section containing the literacy test, which would give rise to a form of debate slightly different from that in which we have been engaged. I desire to be heard upon the question, but I naturally do not wish to be heard this morning; and naturally, out of a sense of vanity and some respect for my own utterances and the weight I think they should carry, I should like to have such Senators present as would be impressed with that which impresses me, sensible observations in connection with my objections to the whole section. I should like to join, therefore, in the suggestion that the measure may go over in order that the debate may be had to a larger assemblage, to the end that a more intelligent consideration may be had.

Mr. SMITH of South Carolina. Mr. President, in view of the request made by the Senator from Massachusetts, and also by the Senator from Illinois, I recognize that the vote to test the passage of this bill is going to be upon the literacy test, and that the pending amendment would involve the fate of the bill so far as the literacy test is concerned. In view of the facts brought out by them, I should like to ask a ruling of the Chair on this proposal, supplemental to what the Senator from Massachusetts has suggested: I take it that to-morrow there will be a repetition of the same condition that exists to-day. On Wednesday, according to the agreement reached, a resolution to that effect having already passed both Houses, we will adjourn over the holidays. I will ask the ruling of the Chair as to the status of the pending bill if this afternoon, in place of adjourning until to-morrow, we were to recess until a certain hour on Wednesday, the pending bill being temporarily laid aside? Would it not then automatically come up at the convening of the Senate after the holidays as the unfinished business?

The PRESIDING OFFICER. The Chair is of the opinion that if the unfinished business is temporarily laid aside by unanimous consent, and the Senate proceeds to the consideration of other business by unanimous consent, it would not in any way interfere with the position the pending bill holds as the unfinished business, because it would then be in order at any time for any Senator to call for the regular order, and the pending bill, as the unfinished business, would then come up. So long as the pending bill is temporarily laid aside and the Senate considers other business by unanimous consent, it does not lose its place as the unfinished business; and if the Senate takes a recess it continues as the unfinished business and would be the first business laid before the Senate when it reassembled.

Mr. LODGE. It would be the unfinished business on December 29.

The PRESIDING OFFICER. It would be the unfinished business on that date.

Mr. SMITH of South Carolina. With that ruling of the Chair, Mr. President, and with that understanding, I shall ask unanimous consent that the unfinished business be temporarily laid aside, and when the time comes to end to-day's session I suggest that we take a recess, rather than an adjournment, so as not to displace the immigration bill.

Mr. O'GORMAN. So that the immigration bill will have precedence on the 29th of December when the Senate reassembles?

Mr. LODGE. Yes; at 2 o'clock.

Mr. O'GORMAN. At 2 o'clock on that day.

Mr. CULBERSON. If we take a recess, the bill will come up automatically as soon as the Senate reconvenes.

Mr. O'GORMAN. I understand that to be the desire of those who are particularly interested in the bill.

There is another reason justifying the request which has been made, if I may be permitted to state it, and that is that two of the Senators who have manifested great interest in the pending amendment, the senior Senator from Colorado [Mr. THOMAS] and the senior Senator from Missouri [Mr. STONE], are temporarily absent from the city; and if this application had not been made by the Senator from Massachusetts, I should have

offered the fact of their absence as a reason why we should suspend the discussion of this amendment at this time.

The PRESIDING OFFICER. The Chair will state to the Senator from South Carolina that taking a recess would not aid at all in keeping the immigration bill before the Senate as the unfinished business. The Chair understands that the House and the Senate have agreed to adjourn from next Wednesday until December 29, and if nothing in the meantime shall have been done by the Senate to displace the immigration bill as the unfinished business, then on the 29th of December, when the Senate reassembles, at 2 o'clock the immigration bill will come regularly before the Senate as the unfinished business.

Mr. CULBERSON. Mr. President, if we take a recess, would not the bill come up automatically as soon as the Senate met, instead of at 2 o'clock?

The PRESIDING OFFICER. In that case it would come up as soon as the Senate met following the recess, because when a recess is taken there is no morning hour when the Senate again assembles.

Mr. LODGE. If the Chair will pardon me, the recess to which we are now referring is not a recess in the technical sense; it is an adjournment over six days; and when we meet again it will be just as we meet every day. The morning hour will not be affected and the bill will come up as the unfinished business at 2 o'clock on December 29.

The PRESIDING OFFICER. The Chair has stated to the Senator from South Carolina that the Senate and the House have agreed to adjourn from next Wednesday until December 29, and when the Senate reassembles on the 29th, at 2 o'clock the immigration bill will come up as the unfinished business.

Mr. LODGE. Following the morning hour.

The PRESIDING OFFICER. Following the morning hour.

Mr. SMITH of South Carolina. If we can have an understanding now to the effect that, if the pending measure is temporarily laid aside until the 29th of December, there shall intervene no business to take its place, I shall not object to laying aside the unfinished business at this time. The point that I was attempting to make, and the danger that I was attempting to hedge, was this: If on Wednesday next, the day when we have agreed to take an adjournment to December 29, some Senator were to move to take up a bill, and it were taken up and discussed and was in process of discussion when adjournment was taken to December 29, would not the measure then under discussion be the unfinished business rather than the immigration bill? It is that very situation that I am attempting now to guard against.

The PRESIDING OFFICER. The Chair is of opinion that if a motion were made after 2 o'clock to take up another measure and a majority of the Senate should agree to the motion, and it were not disposed of before adjournment, it would become the unfinished business.

Mr. LODGE. It would displace the present unfinished business.

The PRESIDING OFFICER. The Chair will, however, suggest to the Senator from South Carolina that if other business should be taken up by unanimous consent it would not interfere with the position of the pending measure as the unfinished business.

Mr. TOWNSEND. Mr. President, I have on several occasions submitted some suggestions in reference to the program. The plea has been that it is important to dispose of the immigration bill. The Senator from South Carolina was very anxious to get that bill to a vote—so anxious that we could not have the morning hour; so anxious that it was necessary for the chairman of the committees to get recognition from the presiding officer every morning, and thus prevent our taking up the bill which the Senate on several occasions has expressed itself as favoring.

I have not wanted to displace the immigration bill. I have done nothing to indicate that I wanted to displace it; but now that it has been disclosed that the Senator can not hold his bill before the Senate because of lack of interest in its discussion, I will not consent that we shall be foreclosed from taking up any other measure, at least during the morning hour, for consideration.

So I shall object to this bill going over. If the Senator will allow the morning hour to-morrow to be devoted to the bill which I have called up on several occasions, and then have its consideration end at 2 o'clock, without any idea of supplanting the regular order, I have no objection to it.

Mr. SMITH of South Carolina. Mr. President, I think it is only fair to the friends of the immigration bill to correct what seems to be implied in the Senator's remark, that there is not sufficient interest in the bill to keep those interested here. The friends of the bill are ready to vote now.

Mr. REED. Why not vote?

Mr. SMITH of South Carolina. It is those who are so interested as to the elimination of certain features who desire further discussion; and in view of the fact—we might as well be frank with each other—that certain conditions may arise that may jeopardize the passage of the bill, I do not wish to have it lose any of its rights. I do not want to seem to interfere and take up the time that is allotted as the morning hour for the discussion of such matters as may be disposed of, and I have no desire to displace anything. But I certainly am going to insist that the parliamentary situation and status of this bill shall not be jeopardized, because I think it has waited as long as any other bill that ever has been on the calendar.

Mr. LODGE. Mr. President, if the chairman of the committee will allow me for a moment, the suggestion of the Senator from Michigan seems to me to be a perfectly reasonable one. It would not displace this bill to take up the bill which the Senator from Michigan desires to take up in the morning hour—not the least in the world. It would only displace it if it were taken up on motion after 2 o'clock. I sincerely hope the chairman of the committee will leave the morning hour to-morrow for the Senator from Michigan.

The PRESIDING OFFICER. Does the Senator from Massachusetts present his suggestion in the shape of a request for unanimous consent?

Mr. LODGE. No, Mr. President; I do not wish to call for a quorum.

Mr. SMITH of South Carolina. Mr. President, according to a former statement, I am perfectly willing to have the bill laid aside temporarily so as to consider unobjected bills on the calendar.

Mr. LODGE. The chairman of the committee would have no objection, I take it, to the Senator from Michigan taking up his bill in the morning hour to-morrow. That would not displace the unfinished business.

Mr. SMITH of South Carolina. I have stated the position that I now occupy in reference to temporarily laying it aside; but the danger that I call attention to is one that I do not care to risk. I ask that the bill be temporarily laid aside, and that the calendar be proceeded with; and then, before we finally take our adjournment or recess this afternoon, I shall ask that the unfinished business be formally laid before the Senate.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed with the consideration of unobjected bills on the calendar under Rule VIII. Is there objection to the request of the Senator from South Carolina?

Mr. LEWIS. Mr. President, if I may be pardoned, and may be indulged by the Senator from South Carolina, may I propose a suggestion in order that we may gather the chairman's view? The chairman, as I understand, is perfectly content that any measure or matter may come up that does not in its nature supplant or displace the present bill known as the immigration bill?

Mr. SMITH of South Carolina. As I have stated, and it is unnecessary for me to repeat it, a request was made that this bill be temporarily laid aside, and that the calendar be taken up. Of course, the Senate has the power to object or not, as it sees fit. The only point I am making is that before we take our recess or adjournment for to-morrow and for Wednesday I hope this matter may be thoroughly understood, which seems to be impossible just now. Therefore I renew my request to the effect that the calendar be taken up for the consideration of such bills as are unobjected to, under Rule VIII.

Mr. LEWIS. I desire, then, to conclude, if I may be permitted.

Favoring, as I do, the volunteer officers' bill, I have memory that the bill was called up from time to time, and that we had morning discussion; and unless I am in error—and I am willing to concede that I have not the best knowledge of the rules—the measure can still be called up in the morning hour for discussion without coming within the category of a bill being called up from the calendar in such a manner that it would operate as a displacement. Therefore I am unable to see where the able chairman of the committee, the Senator from South Carolina, in anything he says, objects at all to the measure suggested by the Senator from Michigan being taken up at any time in the morning hour.

The PRESIDING OFFICER. As has been stated by the Senator from Massachusetts, to-morrow at any time before 2 o'clock the Senator from Michigan can move to take up the bill referred to by him, which will be morning business until 2 o'clock. At 2 o'clock its consideration will cease, and the unfinished business will come before the Senate.

Mr. TOWNSEND. I realize that, Mr. President, and that is what I am now contending for; but suppose to-morrow morning

there should happen what happened this morning and yesterday morning—the Senator from South Carolina rises before the morning hour is concluded, and the Chair is prepared to recognize him to take up the immigration bill?

Mr. SMITH of South Carolina. Mr. President, I think we can have a perfect understanding. I will say to the Senator from Michigan that to-morrow morning, until the hour of 2 o'clock shall arrive, if he desires to take up the bill mentioned by him or any other, in view of the circumstances I will not call up the immigration bill, and will let it come up, as it has a right to do, at 2 o'clock.

Mr. TOWNSEND. I have no objection, Mr. President.

Mr. SMITH of South Carolina. Then I shall insist on its consideration, if we have not meantime made arrangements to the contrary.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina for unanimous consent? The Chair hears none, and it is so ordered.

THE CALENDAR.

The PRESIDING OFFICER. The Secretary will state the first business on the calendar.

The first business on the calendar was the bill (S. 1240) to establish the legislative reference bureau of the Library of Congress.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. Objection being made, the joint resolution will be passed over.

The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

The resolution (S. Res. 156) limiting expenditures for telegrams sent or received by Senators was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. Objection being made, the resolution will be passed over.

The resolution (S. Res. 84) providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum was announced as next in order.

Mr. CULBERSON. Let that go over.

Mr. WILLIAMS. Mr. President, I hope the Senator will not ask that that resolution go over.

Mr. BORAH. Mr. President, are we simply taking up the unobjected matters?

The PRESIDING OFFICER. Under the unanimous-consent agreement only unobjected cases can be considered.

Mr. WILLIAMS. Mr. President, I want to plead with the Senator from Texas to withdraw his objection to the consideration of that resolution. We find ourselves very frequently in this position in the Senate: A roll call discloses when the point of no quorum is made—

Mr. SMOOT. I call for the regular order, Mr. President.

Mr. PENROSE. Regular order!

The PRESIDING OFFICER. The regular order is called for. Objection is made, and the resolution will be passed over.

The resolution (S. Res. 218) proposing an amendment to the standing rules of the Senate was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. Objection being made, the resolution will be passed over.

The joint resolution (S. J. Res. 26) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. WILLIAMS. Let that go over, Mr. President.

The PRESIDING OFFICER. The joint resolution will be passed over.

The joint resolution (S. J. Res. 94) to authorize the Secretary of Commerce to investigate the condition of trade in China, for the purpose of determining the desirability of establishing there a permanent exposition of the products of the United States of America, was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2425) to authorize the Roanoke River Development Co. to construct and maintain a dam across the Roanoke River in Mecklenburg County, in the State of Virginia, approxi-

mately 20 miles below the town of Clarksville, in said State, was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3971) to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C., was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 10) proposing an amendment to the Constitution of the United States, fixing the time for the convening of Congress and commencement of the terms of the President, Vice President, Senators, and Representatives, was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The resolution (S. Res. 254) to create a special committee of five Senators to assist the Interstate Commerce Commission in investigating certain facts regarding the methods and practices of the Louisville & Nashville Railroad, and for other purposes, was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 121) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6827) to amend an act entitled "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes," approved August 14, 1912, was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4161) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SMOOT. Mr. President, I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah that the Senate adjourn. [Putting the question.]

Mr. KERN. I call for a division.

The PRESIDING OFFICER. By the sound the noes seem to have it.

Mr. CLAPP. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. CULBERSON. I ask for a division on the motion to adjourn.

The PRESIDING OFFICER. The Chair decided that the noes seemed to have it.

Mr. LODGE. A division can not be denied.

The PRESIDING OFFICER. The Chair ruled that the noes seemed to have it, and the Senate refused to adjourn. The yeas and nays were then called for and were denied. Now a division is called for.

The motion was agreed to; there being, on a division, yeas 21, noes 13; and (at 1 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 22, 1914, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate December 21, 1914.

SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES IN OKLAHOMA.

Gabe E. Parker, of Oklahoma, to be superintendent for the Five Civilized Tribes in Oklahoma. A new office under the provisions of section 17 of the act of Congress approved August 1, 1914 (38 Stat., 598).